

EXHIBIT D
PLAINTIFF'S WITNESS LIST

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

Midas Green Technologies, LLC,

Plaintiff,

- vs. -

Rhodium Enterprises, Inc.;
Rhodium Technologies LLC;
Rhodium 10mw LLC;
Rhodium 2.0 LLC;
Rhodium 30mw LLC;
Rhodium Encore LLC;
Rhodium Renewables LLC;

Defendants.

Civil Action No. 6:22-cv-00050-ADA

Jury Trial Demanded

PLAINTIFF'S TRIAL WITNESS LIST

PLEASE TAKE NOTICE Plaintiff Midas Green Technologies, LLC will call the following witnesses at trial:

Plaintiff Midas Green Technologies, LLC will call the following witnesses at trial:					
No.	Witness	Live or Deposition	Party	Subject	Direct Time Estimate
1	James Paul Koen	Live	Pltf.	Conception and/or reduction to practice of patented inventions and related subject matter; applications that issued as the asserted patents; research, development, design, and manufacture of Midas' products; sales and marketing of Midas' products and services; infringement; damages; market for immersion cooling systems	2.5
2	Christopher Boyd	Live	Pltf.	Conception and/or reduction to practice of patented inventions and related subject matter; research, development, design, and manufacture of certain of Midas' products;	2.5
3	Mario Conti Garcia	Live	Pltf.	Conception and/or reduction to practice of patented inventions and related subject matter; applications that issued as the asserted patents; research, development, design, and manufacture of Midas' products; infringement; damages; market for immersion cooling systems	2.5
4	Scott Sickmiller	Live	Pltf.	Conception and/or reduction to practice of patented inventions and related subject matter; research, development, design, and manufacture of certain of Midas' products	2.5
5	Dr. Himanshu Pokharna	Live	Pltf.	Infringement	2.5
6	J. Duross O'Bryan	Live	Pltf.	Damages	2.5
7	Dr. James Lee	Live	Pltf.	Rebuttal	2.5

Plaintiff Midas Green Technologies, LLC will call the following witnesses at trial:					
No.	Witness	Live or Deposition	Party	Subject	Direct Time Estimate
Plaintiff Midas Green Technologies, LLC May call the following witnesses at trial:					
8	Chase Blackmon	Live	Def.	Knowledge of Patents; Benefits of Immersion Cooling; Infringement	1.0
9	Nathan Nichols	Live	Def.	Knowledge of Patents; Benefits of Immersion Cooling; Infringement	1.0
Plaintiffs Total Estimate					19.5

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

Midas Green Technologies, LLC,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 6:22-CV-00050-ADA
)	
Rhodium Enterprises, Inc.;)	
Rhodium Technologies LLC;)	
Rhodium 10MW LLC;)	JURY TRIAL DEMANDED
Rhodium 2.0 LLC;)	
Rhodium 30MW LLC;)	
Rhodium Encore LLC;)	
Rhodium Renewables LLC;)	
Rhodium Renewables Sub LLC; and)	
Rhodium Ready Ventures LLC,)	
)	
Defendants.)	
_____)	

**DEFENDANTS' OBJECTIONS TO PLAINTIFF'S PROPOSED PRELIMINARY
WITNESS LIST (MARCH 26, 2024)**

Defendants Rhodium Enterprises, Inc., Rhodium Technologies LLC, Rhodium 10MW LLC, Rhodium 2.0 LLC, Rhodium 30MW LLC, Rhodium Encore LLC, Rhodium Renewables LLC, Rhodium Renewables Sub LLC, and Rhodium Ready Ventures LLC ("Rhodium") list the following preliminary objections to Midas's proposed witness list. Defendants reserve all rights to propound additional objections pursuant to the schedule set out in the Court's standing orders.

Plaintiff Midas Green Technologies, LLC Witnesses That May Be Expected to Testify at Trial						
No.	Witness	Live or Deposition	Party	Subject	Direct Time Estimate	Defendants' Preliminary Objections
1	Ameritex, Custodian of Records	Live	Third	A custodian of records may be called if necessary to establish the authenticity of business records for admissibility purposes.	0.5	
2	Best, Christiaan	Live	Third	Prior art; market for immersion cooling systems; Green Revolution Cooling Gen 1 immersion system; Green Revolution Cooling Gen 2 immersion system.	4.0	
3	Blackmon, Cameron	Live	Def.	Design, development, marketing, testing, use/implementation of accused products; infringement; damages; market for immersion cooling systems; patentability	0.5	
4	Blackmon, Chase	Live	Def.	Design, development, marketing, testing, use/implementation of accused products; infringement; damages; market for immersion cooling systems; patentability	4.0	

Plaintiff Midas Green Technologies, LLC Witnesses That May Be Expected to Testify at Trial						
No.	Witness	Live or Deposition	Party	Subject	Direct Time Estimate	Defendants' Preliminary Objections
5	Boyd, Christopher	Live	Pltf.	Conception and/or reduction to practice of patented inventions and related subject matter; research, development, design, and manufacture of certain of Midas' products;	3.0	
6	Boyd, James	Live	Third	GRC	2.0	Mr. Boyd was not disclosed as a witness, and has not been deposed. If Plaintiffs seek to call Mr. Boyd at trial, Defendants reserve the right to seek a deposition of Mr. Boyd or to otherwise object.
7	Burns & McDonnell, Custodian of Records,	Live	Third	A custodian of records may be called if necessary to establish the authenticity of business records for admissibility purposes.	0.5	
8	Cerasuolo, Nicholas	Deposition Designation	Def.	Design, development, marketing, testing, use/implementation of accused products; infringement;	1.0	Plaintiff has not served deposition designations for Mr. Cerasuolo.

Plaintiff Midas Green Technologies, LLC Witnesses That May Be Expected to Testify at Trial						
No.	Witness	Live or Deposition	Party	Subject	Direct Time Estimate	Defendants' Preliminary Objections
				damages; market for immersion cooling systems; patentability		Defendants object to any attempt to present a witness by deposition without the appropriate advance service of deposition designations.
9	Conti, Mario	Live	Pltf.	Conception and/or reduction to practice of patented inventions and related subject matter; applications that issued as the asserted patents; research, development, design, and manufacture of Midas' products; infringement; damages; market for immersion cooling systems	2.0	
10	Green Revolution Cooling, Custodian of Records	Live	Third	A custodian of records may be called if necessary to establish the authenticity of business records for admissibility purposes.	0.5	
11	Industrial Builders, Custodian of Records	Live	Third	A custodian of records may be called if necessary to establish the authenticity of business records for admissibility purposes.	0.5	

Plaintiff Midas Green Technologies, LLC Witnesses That May Be Expected to Testify at Trial						
No.	Witness	Live or Deposition	Party	Subject	Direct Time Estimate	Defendants' Preliminary Objections
12	Koen, James	Live	Pltf.	Conception and/or reduction to practice of patented inventions and related subject matter; applications that issued as the asserted patents; research, development, design, and manufacture of Midas' products; sales and marketing of Midas' products and services; infringement; damages; market for immersion cooling systems	4.0	
13	Laguna, David Christopher	Deposition Designation	Pltf.	Conception and/or reduction to practice of patented inventions and related subject matter; research, development, design, and manufacture of certain of Midas' products	1.0	Plaintiff has not served deposition designations for Mr. Laguna. Defendants object to any attempt to present a witness by deposition without the appropriate advance service of deposition designations.
14	Lee, James	Live	Pltf.	Invalidity	2.0	Dr. Lee's testimony is inadmissible, at least in part, pursuant to Defendants' pending motion.

Plaintiff Midas Green Technologies, LLC Witnesses That May Be Expected to Testify at Trial						
No.	Witness	Live or Deposition	Party	Subject	Direct Time Estimate	Defendants' Preliminary Objections
15	Long, Marshall	Deposition Designation	Def.	Design, development, marketing, testing, use/implementation of accused products; infringement; damages; market for immersion cooling systems; patentability	1.0	Plaintiff has not served deposition designations for Mr. Long. Defendants object to any attempt to present a witness by deposition without the appropriate advance service of deposition designations.
16	Mohan, Kevin	Live	Third	There are no acceptable non-infringing market substitutes and the Bixbit software license is not comparable to a patent license to manufacture a patented product	1.0	Mr. Mohan was not disclosed as a witness, and has not been deposed. If Plaintiffs seek to call Mr. Mohan at trial, Defendants reserve the right to seek a deposition of Mr. Mohan or to otherwise object.
17	Nichols, Nathan	Deposition Designation	Third	Design, development, marketing, testing, use/implementation of accused products; infringement;	1.0	Plaintiff has not served deposition designations for Mr. Nichols. Defendants object to any attempt

Plaintiff Midas Green Technologies, LLC Witnesses That May Be Expected to Testify at Trial						
No.	Witness	Live or Deposition	Party	Subject	Direct Time Estimate	Defendants' Preliminary Objections
				damages; market for immersion cooling systems; patentability		to present a witness by deposition without the appropriate advance service of deposition designations.
18	O'Bryan, J. Duross	Live	Pltf.	Damages	2.0	Mr. O'Bryan's testimony is inadmissible, at least in part, pursuant to Defendants' pending motion.
19	Pokharna, Himanshu	Live	Pltf.	Infringement	2.0	Dr. Pokharna's testimony is inadmissible, at least in part, pursuant to Defendants' pending motion.
20	Poulin, Peter	Deposition Designation	Third	GRC systems; immersion cooling market	1.0	
21	Prime Controls, Custodian of Records	Live	Third	A custodian of records may be called if necessary to establish the authenticity of business records for admissibility purposes.	0.5	
22	Rainone, Michael	Deposition Designation	Third	GRC Systems design	0.5	Plaintiff has not served deposition

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No.	Witness	Live or Deposition	Party	Subject	Direct Time Estimate	Defendants' Preliminary Objections
						designations for Mr. Rainone. Defendants object to any attempt to present a witness by deposition without the appropriate advance service of deposition designations.
23	Sickmiller, Scott	Live	Pltf.	Conception and/or reduction to practice of patented inventions and related subject matter; research, development, design, and manufacture of certain of Midas' products	3.0	
24	Swinden, Kenneth	Deposition Designation	Pltf.	Conception and/or reduction to practice of patented inventions and related subject matter; research, development, design, and manufacture of certain of Midas' products	1.0	Plaintiff has not served deposition designations for Mr. Swinden. Defendants object to any attempt to present a witness by deposition without the appropriate advance service of deposition designations.

Plaintiff Midas Green Technologies, LLC Witnesses That May Be Expected to Testify at Trial						
No.	Witness	Live or Deposition	Party	Subject	Direct Time Estimate	Defendants' Preliminary Objections
25	Theriot, Lyle	Live	Third	There are no acceptable non-infringing market substitutes	1.0	Mr. Theriot was not disclosed as a witness, and has not been deposed. If Plaintiffs seek to call Mr. Mohan at trial, Defendants reserve the right to seek a deposition of Mr. Theriot or to otherwise object.
26	Tooke, Kenneth	Deposition Designation	Pltf.	Conception and/or reduction to practice of patented inventions and related subject matter; research, development, design, and manufacture of certain of Midas' products	1.0	Plaintiff has not served deposition designations for Mr. Tooke. Defendants object to any attempt to present a witness by deposition without the appropriate advance service of deposition designations.
27	Tribou, John Charles	Deposition Designation	Pltf.	Conception and/or reduction to practice of patented inventions and related subject matter; research, development, design,	1.0	Plaintiff has not served deposition designations for Mr. Tribou. Defendants object to any attempt

Plaintiff Midas Green Technologies, LLC Witnesses That May Be Expected to Testify at Trial						
No.	Witness	Live or Deposition	Party	Subject	Direct Time Estimate	Defendants' Preliminary Objections
				and manufacture of certain of Midas' products		to present a witness by deposition without the appropriate advance service of deposition designations.
28	Turner, Thomas	Deposition Designation	Pltf.	Conception and/or reduction to practice of patented inventions and related subject matter; research, development, design, and manufacture of certain of Midas' products	1.0	Plaintiff has not served deposition designations for Mr. Turner. Defendants object to any attempt to present a witness by deposition without the appropriate advance service of deposition designations.
Plaintiffs Total Estimate					42.5	

DATED: March 26, 2024

Respectfully submitted,

/s/ Elizabeth Brannen

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Attorneys for Rhodium Defendants

CERTIFICATE OF SERVICE

I hereby certify that on March 26, 2024, I served the foregoing document by e-mail on counsel of record for Plaintiff Midas Green Technologies, LLC.

/s/ Peter J. Brody
Peter J. Brody